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Attorneys for Defendants  
SUNPOWER CORPORATION, THOMAS H. WERNER,  
DENNIS V. ARRIOLA, and EMMANUEL T. HERNANDEZ

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE SUNPOWER SECURITIES  
LITIGATION

Case No. CV 09-5473-RS (JSC)  
(Consolidated)

**CLASS ACTION**

**[PROPOSED] ORDER GRANTING  
DEFENDANTS' MOTION FOR  
PARTIAL JUDGMENT ON THE  
PLEADINGS REGARDING  
FORWARD-LOOKING  
STATEMENTS AND VAGUE  
STATEMENTS OF CORPORATE  
OPTIMISM**

Judge: Hon. Richard Seeborg  
Courtroom: 3, 17th Floor  
Hearing Date: October 25, 2012  
Hearing Time: 1:30 p.m.

1 Defendants SunPower Corporation, Thomas H. Werner, Dennis V. Arriola, and  
2 Emmanuel T. Hernandez (“Defendants”) have moved the Court pursuant to Federal Rule of Civil  
3 Procedure 12(c) for an order granting judgment on Plaintiffs’ claims under Sections 10(b) and  
4 20(a) of the Securities Exchange Act of 1934 that are based on forward-looking statements and  
5 vague statements of corporate optimism alleged to be false or misleading in the First Amended  
6 Consolidated Class Action Complaint filed on April 18, 2011. Having considered Defendants’  
7 motion, the opposition filed by Plaintiffs, the supporting papers, and the arguments of counsel, IT  
8 IS HEREBY ORDERED that Defendants’ Motion for Partial Judgment on the Pleadings is  
9 GRANTED.

10 IT IS SO ORDERED.

11 Dated: \_\_\_\_\_  
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14 RICHARD SEEBORG  
15 UNITED STATES DISTRICT JUDGE  
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